



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

10291 7590 05/12/2010

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

ANDERSON, JOHN A

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 05/12/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/800,887

03/15/2004

Lester Chu

66703-0016

1929

TITLE OF INVENTION: INFORMATION DISTRIBUTION SYSTEM AND METHOD UTILIZING A POSITION ADJUSTMENT FACTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	08/12/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

10291 7590 05/12/2010

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/800,887 03/15/2004 Lester Chu 66703-0016 1929

TITLE OF INVENTION: INFORMATION DISTRIBUTION SYSTEM AND METHOD UTILIZING A POSITION ADJUSTMENT FACTOR

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
-------------	--------------	---------------	---------------------	----------------------	------------------	----------

nonprovisional NO \$1510 \$0 \$0 \$1510 08/12/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
----------	----------	----------------

ANDERSON, JOHN A 3694 705-035000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/800,887

03/15/2004

Lester Chu

66703-0016

1929

10291

7590

05/12/2010

RADER, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

EXAMINER

ANDERSON, JOHN A

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 05/12/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 841 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 841 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/800,887	CHU ET AL.	
	Examiner	Art Unit	
	JOHN A. ANDERSON	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/12/2010.
2. ☒ The allowed claim(s) is/are 5-14,16,18-34,37-39,41,45-48,50 and 52-75.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|--|

John A Anderson
Examiner
Art Unit: 3694

DETAILED ACTION

1. This communication is in response to the applicant's amendment filed on 02/12/2010 and telephone conversation with Applicant's representative, Charles A Bieneman (Reg #51,472) on 13 April 2010 regarding an Examiner's Amendment necessary to avoid USC 101 rejection non-statutory issues.

Status of Claims

2. Claims 62-75 have been newly amended. Claims 5-14, 16, 18-34, 37-39, 41, 45-48, 50 and 52-75 are pending.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Charles A Bieneman (Reg. # 51,472) on 13 April 2010. The application has been amended as follows:

IN THE CLAIMS

Please amend the claims as indicated below. The following is a complete listing of claims and replaces all prior versions and listings of claims in the present application:

1-4. (Canceled)

5. (Previously presented) The method of claim 56, further comprising influencing the position of at least one said listing in said plurality of listings within said response by at least one relationship between said plurality of listings and a plurality of groups of listings.
6. (Previously presented) The method of claim 56, further comprising influencing said position adjustment factor by a search term.
7. (Previously presented) The method of claim 6, further comprising influencing said search term by the magnitude of said position adjustment factor.
8. (Previously presented) The method of claim 6, wherein the position adjustment factor is one of a plurality of position adjustment factors, the method further comprising using said search term to selectively identify at least one said position adjustment factor.
9. (Previously presented) The method of claim 56, further comprising

Art Unit: 3694

influencing said position adjustment factor by a relationship between an advertiser and an administrative organization.

10. (Previously presented) The method of claim 9, further comprising influencing said position adjustment factor by a length of time relating to said relationship.
11. (Previously presented) The method of claim 9, further comprising influencing said position adjustment factor by a number of listings relating to said relationship.
12. (Previously presented) The method of claim 9, further comprising influencing said position adjustment factor by a lifetime fee total relating to said relationship.
13. (Previously presented) The method of claim 9, further comprising influencing said position adjustment factor by a non-lifetime fee total relating to said relationship.
14. (Previously presented) The method of claim 56, further comprising a bid amount, wherein said position adjustment factor is not influenced by a bid

amount.

15. (Canceled)
16. (Previously presented) The method of claim 56, further comprising influencing said position adjustment factor by a time of year.
17. (Canceled)
18. (Previously presented) The method of claim 56, wherein at least one of said listings in said plurality of listings is associated with a fixed fee value.
19. (Previously presented) The method of claim 18, wherein said affiliated listing is associated with said fixed fee value.
20. (Previously presented) The method of claim 56, wherein at least one of said listings in said plurality of listings is associated with an enhanced display fee value.
21. (Previously presented) The method of claim 20, wherein said affiliated listing is not associated with said enhanced display fee value.

22. (Previously presented) The method of claim 56, wherein at least one of said listings in said plurality of listings is associated with at least one per-hit fee value.
23. (Previously presented) The method of claim 22, wherein said affiliated listing is associated with the at least one per-hit fee value.
24. (Previously presented) The method of claim 22, wherein each said listing is associated with the at least one per-hit fee value.
25. (Previously presented) The method of claim 24, wherein said plurality of listings are not ordered in accordance with the at least one per-hit fee value.
26. (Previously presented) The method of claim 56, wherein each said listing in said plurality of listings is associated with at least one priority metric, the method further comprising ordering said listings in accordance with said at least one priority metric, and influencing said priority metric for said affiliated listing by said position adjustment factor.

Art Unit: 3694

27. (Previously presented) The method of claim 26, wherein no said at least one priority metric for said listing is influenced by said enhanced display fee value.
28. (Previously presented) The method of claim 26, further comprising influencing said at least one priority metric by a per-hit fee value, and influencing said at least one priority metric by a fixed fee value.
29. (Previously presented) The method of claim 26, further comprising influencing said at least one priority metric by a category factor.
30. (Previously presented) The method of claim 26, further comprising influencing said at least one priority metric by a geography factor.
31. (Previously presented) The method of claim 56, wherein each said listing is associated with at least one priority metric and one group, the method further comprising influencing said at least one priority metric for said affiliated listing by said position adjustment factor.
32. (Previously presented) The method of claim 31, further comprising influencing said at least one priority metric by said search term.

Art Unit: 3694

33. (Previously presented) The method of claim 31, further comprising influencing said at least one group by a search term.
34. (Previously presented) The method of claim 31, wherein a subset of listings share an association with a common one of said groups, the method further comprising ordering said subset of listings in accordance to the priority metrics corresponding to said listings in said subset.
- 35-36. (Canceled)
37. (Previously presented) The method of claim 56, wherein at least one listing in said response is associated with said per-hit fee.
38. (Previously presented) The method of claim 37, wherein said per-hit fee is said variable per- hit fee.
39. (Previously presented) The method of claim 38, further comprising influencing said variable per-hit fee by said number of hits and a period of time in which to measure said number of hits.
40. (Canceled)

Art Unit: 3694

41. (Previously presented) The method of claim 56, wherein said plurality of listings includes a first listing, wherein said first listing is associated with more than one said per-hit fee type.

42-44. (Canceled)

45. (Previously presented) The method of claim 56, wherein said position adjustment factor does not relate to a listing-based attribute.

46. (Previously presented) The method of claim 56, wherein said position adjustment factor relates to an advertiser profile.

47. (Previously presented) The method of claim 56, further comprising influencing said position adjustment factor by a search attribute.

48. (Previously presented) The method of claim 56, wherein said position adjustment factor is derived from at least one of: a seniority; an aggregate monetary value; a number of listings; and an advertiser profile.

49. (Canceled)

Art Unit: 3694

50. (Previously presented) The method of claim 56, further comprising automatically setting said position adjustment factor in accordance with at least one administrative rule from a set of administrative rules and by accessing at least one advertiser attribute from a set of advertiser attributes.
51. (Canceled)
52. (Previously presented) The method of claim 50, wherein said administrative rules include at least one of: a category hierarchy and a geography hierarchy.
53. (Previously presented) The method of claim 56, wherein said position adjustment factor is not influenced by a monetary value.
54. (Previously presented) The method of claim 56, wherein said position adjustment factor is not solely influenced by a monetary value.
55. (Previously presented) The method of claim 56, wherein said position adjustment factor is not influenced by a per-hit fee, and wherein said position adjustment factor is not influenced by an enhanced display fee.

Art Unit: 3694

56. (Previously presented) A method for transmitting information in the form of a response to a request, comprising:
calculating, in a computer server, a position adjustment factor for a listing affiliated with the position adjustment factor, the affiliated listing to be included in the response at a position;
influencing, in the computer server, the position adjustment factor by a per-hit fee associated with the affiliated listing; and
using the position adjustment factor to influence the position of the affiliated listing associated with the position adjustment factor among a plurality of listings in the response provided by the computer server.
57. (Original) The method of claim 56, wherein calculating the position adjustment factor includes accessing an advertiser account record.
58. (Original) The method of claim 56, wherein the listings included in the response are not ordered in accordance to a bid amount associated with each listing.
59. (Previously presented) The method of claim 56, further comprising influencing calculating the position adjustment factor by an entity-based characteristic.

60. (Original) The method of claim 59, wherein the entity-based characteristic is at least one of: (a) an annual advertising budget; (b) a market capitalization value; (c) a subjective determination by an administrator.
61. (Previously presented) The method of claim 56, further comprising calculating the position adjustment factor without human intervention.
62. **(Currently Amended)** A non-transitory computer-readable medium including computer-executable instructions for transmitting information in the form of a response to a request, the instructions comprising instructions for:
 - calculating a position adjustment factor for a listing affiliated with the position adjustment factor, the affiliated listing to be included in the response at a position;
 - influencing the position adjustment factor by a per-hit fee associated with the affiliated listing; and
 - using the position adjustment factor to influence the position of the affiliated listing associated with the position adjustment factor among a plurality of listings in the response.

63. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for:
- calculating a second position adjustment factor for a second listing affiliated with a second position adjustment factor, the second affiliated listing to be included in the response at a second position;
 - influencing the second position adjustment factor by a second per-hit fee associated with the second affiliated listing; and
 - using the second position adjustment factor to influence the second position of the second affiliated listing associated with the second position adjustment factor among the plurality of listings in the response.
64. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for:
- associating each listing in said plurality of listings with a per-hit fee value.
65. **(Currently Amended)** The non-transitory computer-readable medium of claim 64, further including instructions for:
- calculating the position of the affiliated listing among the plurality of listings in the response in accordance with the per-hit fee values before
 - influencing the position using the position adjustment factor.

66. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for:

including the listings in the response in an order other than in accordance with a bid amount associated with each listing.
67. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, wherein the position adjustment factor is negative, said negative position adjustment factor indicating an adjustment to a less desirable position among the plurality of listings in the response.
68. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, wherein the position adjustment factor is positive, said positive position adjustment factor indicating an adjustment to a more desirable position among the plurality of listings in the response.
69. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for:

influencing calculating the position adjustment factor by an entity-based characteristic.
70. **(Currently Amended)** The non-transitory computer-readable medium of

claim 69, wherein the entity-based characteristic is at least one of: (a) an annual advertising budget; (b) a market capitalization value; (c) a subjective determination by an administrator.

71. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, wherein each listing in the plurality of listings is associated with at least one priority metric, the medium further comprising instructions for ordering the plurality of listings in accordance with the at least one priority metric, and influencing the priority metric for the affiliated listing by the position adjustment factor.
72. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for automatically setting the position adjustment factor in accordance with at least one administrative rule from a set of administrative rules and by accessing at least one advertiser attribute from a set of advertiser attributes.
73. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for:
accessing an advertiser account record; and
influencing the position adjustment factor based on the advertiser account record.

74. **(Currently Amended)** The non-transitory computer-readable medium of claim 62, further including instructions for:
- maintaining a profile for each of a plurality of advertisers; and
- influencing the position adjustment factor based on an advertiser profile.
75. **(Currently Amended)** A system, comprising:
- a non-transitory computer-readable medium including instructions for:
- a position adjustment factor configured to influence a position of a listing affiliated with said position adjustment factor;
- a per-hit fee value configured to influence said position adjustment factor;
- and
- a plurality of listings, wherein at least one listing in said plurality of listings is associated with at least one per-hit fee value; and
- a server configured to receive a request and to transmit information in the form of a response to said request, said response comprising a plurality of listings from said plurality of listings, said server further configured to:
- calculate said position of said affiliated listing among said plurality of listings in said
- response;
- calculate said position adjustment factor for said affiliated listing;
- influence said position adjustment factor by said per-hit fee associated

Art Unit: 3694

with said affiliated listing; and
use said position adjustment factor to influence said position of said
affiliated listing associated with said position adjustment factor among said
plurality of listings in said response.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN A. ANDERSON whose telephone number is (571)270-3327. The examiner can normally be reached on Monday through Friday 8:00 to 5:00 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3694

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John A Anderson/

John A Anderson

Examiner, Art Unit 3694

Examiner

Art Unit 3694

/J. A. A./

Examiner, Art Unit 3694

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694